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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

LETTERS PATENT APPEAL No.107 OF 2007
IN
WRIT PETITION No. 3356 OF 1994

Office notes, :
office memoranda :
of coram, :
appearances, :
Court's orders : Court's or Judge's
directions & : order
Registrar's :
orders :

Mr. A. V. Anturkar, Sr. Advocate with Sugandh Deshmukh, advocates for the appellants.

CORAM: J. N. PATEL,
AND
A. A. SAYED, JJ.

DATE : JULY 30, 2007.

P.C.:

. Heard. This Letters Patent Appeal is impugning the order of the learned Single Judge of dismissal of the petition of the appellant, on the ground that the petitioner was not appointed against a clear vacancy on a regular basis, but his appointment was on ad-hoc basis of temporary nature and therefore, termination of his service cannot be

considered as retrenchmment.

2. We do not find any error or illegality committed by the learned Single Judge, in arriving at such a conclusion, on the basis of the facts brought on record, by way of evidence.

3. Mr. Anturkar, the learned senior advocate pointed out to us that it has come on record that there are number of vacancies in the respondent department, and the appointment sought for is continuation in service, till the vacancies are filled by the Regional Selection Board, or subordinate Selection Board.

4. It is also contended on behalf of appellant that vacancies are filled by resorting to ad-hoc appointments by the department and his services have been terminated without any justification, though

persons junior to him, are continued.

5. We find that no such case was pleaded and nothing prevents the appellant from claiming such a right in the matter, of his continuation in service. With all these observations, the Letters Patent Appeal is dismissed.

6. The learned senior advocate submitted that the applicant will have to make an application after collecting the necessary data in this regard and if such application is made, the respondent be directed to consider his case and take a decision within a stipulated period.

7. We make it clear that if the appellant makes such an application to the respondent, the respondent would consider the same in accordance with law and take a decision in the matter, within a

period of 3 months from the date of such application being received in his office.

[A. A. SAYED, J.] [**J. N. PATEL, J.]**